



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

FOX ROTHSCHILD LLP

Michael J. Viscount

Martha B. Chovanes

Josheph J. DiPasquale

Michael R. Herz

49 Market Street

Morristown, NJ 07960

Telephone: (973) 992-4800

mviscount@foxrothschild.com

mchovanes@foxrothschild.com

jdpasquale@foxrothschild.com

merz@foxrothschild.com

Counsel for the Aluminum Shapes Liquidating Trust

**SHERMAN, SILVERSTEIN,
KOHL, ROSE & PODOLSKY, P.A.**

Bruce S. Luckman

Arthur J. Abramowitz

Ross J. Switkes

308 Harper Drive, Suite 200

Moorestown, New Jersey 08057

Telephone: (856) 662-0700

aabramowitz@shermansilverstein.com

bluckman@shermansilverstein.com

rswitkes@shermansilverstein.com

*Counsel for Respondent American Express National
Bank*

In Re:

ALUMINUM SHAPES, L.L.C.,

Debtor.

**CONSENT ORDER ON MOTION OF ADVISORY TRUST GROUP, LLC,
LIQUIDATING TRUSTEE, FOR ENTRY OF ORDER COMPELLING AMERICAN
EXPRESS TO COMPLY WITH RULE 2004 SUBPOENA**

DATED: August 3, 2023

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Debtor: Aluminum Shapes, L.L.C.

Case No. 21-16520 (JNP)

Caption: Consent Order On Motion of Advisory Trust Group, LLC, Liquidating Trustee, for Entry of Order Compelling American Express to Comply with Rule 2004 Subpoena

The relief set forth on the follow pages, numbered three (3) through five (5), be and hereby is **ORDERED**.

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Debtor: Aluminum Shapes, L.L.C.
Case No. 21-16520 (JNP)
Caption: Consent Order On Motion of Advisory Trust Group, LLC, Liquidating Trustee, for Entry of Order Compelling American Express to Comply with Rule 2004 Subpoena

THIS MATTER having come before the Court pursuant to the Motion of Advisory Trust Group, LLC, Liquidating Trustee, for Entry of Order Compelling American Express to Comply With Rule 2004 Subpoena (the “Motion”), the Court having reviewed the Motion and the record in this case, and Advisory Trust Group, LLC, the liquidating trustee (the “Liquidating Trustee”) for Aluminum Shapes, L.L.C. (the “Debtor”) and American Express National Bank (“AENB”),¹ by and through their undersigned counsel of record, having consented hereto in full resolution of the Motion, and good cause having been shown; it is hereby

ORDERED as follows:

1) The Liquidating Trustee shall promptly serve a new subpoena (the “New Subpoena”), on AENB, for (i) unredacted account statements for accounts belonging to or under the name of Harris, Baio & McCullough (“HB&M”) for the period of August 15, 2017 through the present, and (ii) records sufficient to identify any account, including the identity of the account holder, for any account paid from a bank account number that was also used to pay account XXXX3-41001 in the name of Aluminum Shapes, LLC (Tax ID # 46-1406288) (provided the Liquidating Trustee furnishes the full routing number and bank account number to AENB), with a document production date of the first business day after expiration of the Motion Deadline (as defined below) (provided the Liquidating Trustee has by entry of this Order furnished the full routing number and bank account numbers to AENB as described above), and AENB shall timely produce such documents in accordance with this Consent Order. Undersigned counsel for AENB

¹ The respondent named in the Motion is “American Express.” No entity by that name exists. For purposes of this Consent Order, it is mutually understood that the Liquidating Trustee intended to subpoena and file a motion with respect to American Express National Bank.

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shall accept e-mail service of the New Subpoena. The Liquidating Trustee shall also serve by overnight mail and e-mail (to the extent possible) a copy of the New Subpoena and this Order on HB&M and Whiteford, Taylor & Preston LLP, counsel for Solomon Rosenthal, and notify them that if they desire to oppose the production of documents by AENB in response to the New Subpoena, they must file a motion to quash the New Subpoena with this Court by the date that is 10 days from entry of this Order (the “Motion Deadline”). The Liquidating Trustee shall file a certificate of service, and serve such certificate of service upon counsel for AENB by e-mail.

2) In the event that no motion to quash the New Subpoena is filed by the deadline set forth in paragraph 1, AENB is authorized and directed to produce unredacted copies of responsive documents (the “Responsive Documents”) in compliance with the New Subpoena. In the event that a motion to quash the New Subpoena is filed by the deadline set forth in paragraph 1, AENB shall not produce such documents until further Order of the Court.

3) Responsive Documents shall be permitted to be used in depositions and for any other purpose related to the Bankruptcy Case.

The undersigned consent to the terms, conditions, and entry of this Order, and represent that they have authority to execute same on behalf of their respective clients.

FOX ROTHSCHILD LLP
Counsel for the Liquidating Trustee

By: /s/ Michael R. Herz
Michael R. Herz

Date: August 1, 2023

**SHERMAN, SILVERSTEIN,
KOHL, ROSE & PODOLSKY, P.A.**
*Counsel for Respondent American Express
National Bank*

By: /s/ Bruce S. Luckman
Bruce S. Luckman

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Date: August 1, 2023

ARNALL GOLDEN GREGORY LLP

Darryl S. Laddin

(Not Admitted in New Jersey)

Counsel for Respondent American Express

National Bank